The meeting was called to order at 10.15 a.m.

STATEMENT BY MR. VLADIMIR KALAMANOV, SPECIAL REPRESENTATIVE OF THE PRESIDENT OF THE RUSSIAN FEDERATION FOR THE PROTECTION OF HUMAN AND CIVIL RIGHTS IN THE CHECHEN REPUBLIC

1. Mr. KALAMANOV (Russian Federation) said that, the previous year, the President of the Russian Federation had entrusted him with reassuring the population of the Chechen Republic that the protection of human rights and freedoms was truly the primary goal of the Russian Federation, that violations of those rights and crimes would not be ignored or hushed up, regardless of their perpetrators, and that the latter would be brought to justice in accordance with the law. The Office of the Special Representative of the President for the Protection of Human and Civil Rights in the Chechen Republic had focused on that task and had done its best to guarantee that the protection of citizens, regardless of their nationality or religious or political beliefs, would be the dominating feature of the activities of law-enforcement bodies. That goal was based on the Russian Federation's internal needs and the provisions of its Constitution and laws, and was not the product of any outside pressure. Of course, in the framework of its international obligations, the Russian Federation had continued to cooperate with international organizations, in particular with the Council of Europe and its Parliamentary Assembly, and had tried, to the extent possible, to take into consideration their constructive recommendations.

2. He had no intention of embellishing the situation. Serious problems still remained. Currently, the activities of terrorists were directed not only against the federal forces and representatives of the administration of the Chechen Republic but also against the civilian population, the principal objective being to spread fear among those who wished to cooperate with the authorities and re-establish normal life. However, those problems did not prevent the constant strengthening of human rights protection and the reconstruction of the foundations of a democratic society based on the interests of the person, contrary to what had been claimed by those who had told the Commission that nothing had been done in the human rights area in the Chechen Republic.

3. Practical measures had been taken to re-establish judicial authority in the Republic. On 26 March 2001, the Supreme Court of the Chechen Republic, consisting of six judges, and 12 district courts, with a total of 24 judges and 132 bailiffs, were operational and had already received 1,213 civil cases and 178 criminal cases. Moreover, the bar of Chechnya was composed of 150 lawyers. At the administrative level, 150,000 passports had been issued, and all other residents of the Chechen Republic had been issued temporary identification documents. More than half of the checkpoints had been closed, and those that remained were manned by mixed teams composed of personnel from the federal forces and the Chechen police. That had resulted in a significant decrease in the number of complaints from citizens regarding extortion or rude treatment when crossing certain checkpoints. The Ministry of the Interior of the Russian Federation had decided to establish police stations in 130 towns in the Chechen Republic in order to guarantee the security of the local population and maintain law and order.

4. With regard to the tracing of missing persons, his Office had compiled a list of 700 people based on complaints received from the population. According to the Ministry of the Interior of Chechnya, 90 persons had been found in 2000 and 11 in the first quarter of 2001. Information regarding those persons had been forwarded to their families. The Office of the Procurator of the Chechen Republic was currently investigating the criminal case involving persons found buried in the Zdorovye horticultural community. In all, 292 tracings and 137 criminal cases had been initiated on the basis of the list submitted by the Office of the Special Representative. The same would be done for the other persons on the list as soon as the information and necessary documents were available. That task was made difficult by the fact that the relatives of missing persons were constantly travelling either in the Chechnya or in other regions, and the police sometimes found it difficult to contact them.

5. The Office of the Military Procurator had charged 64 persons, including 21 for murder. The investigation of the 17 criminal cases, including the case against Colonel Budanov, was complete and the cases had been submitted to the courts, which had already sentenced seven servicemen for committing various crimes against the local population. The remaining cases were being investigated. The Office of the Military Procurator was verifying information received from the population and non-governmental organizations, including information on the placing of persons in "pits". In that regard, it should be recalled that branches of the Procurator's Office in the Chechen Republic had been completely destroyed prior to the restoration of constitutional order in Chechnya. That explained the slowness of the investigation which, in normal times, was already a stage in the relatively long criminal proceedings when it was conducted in a serious manner. On 26 March 2001, he had signed, with the Deputy Procurator-General of the Russian Federation and the Chief Military Procurator, Mr. Kislitsin, an agreement on the establishment of a joint working group composed of members of his Office, the Office of the Procurator-General of the Russian Federation and the Office of the Procurator of the Chechen Republic with a view to guaranteeing the protection of human rights in Chechnya in accordance with the Constitution of the Russian Federation and taking into account the relevant recommendations of the Parliamentary Assembly of the Council of Europe. The working group was entrusted with coordinating joint efforts when examining complaints and appeals by citizens of the Russian Federation who were residents of Chechnya and who believed that their rights had been violated by servicemen and representatives of other law-enforcement structures.

6. At the same time, comprehensive measures were being taken to restore the economic and social rights of the population of the Chechen Republic. Thus, nearly 50 million roubles had been allocated to the rehabilitation of the educational system, and 100 million roubles had been spent on the rehabilitation of hospitals and clinics. Moreover, the total amount of pensions paid as of 1 January 2001 had been 1.192 million roubles. In addition, 277 million roubles had been allocated to pay the salaries of civil servants, and 158 million to pay family allowances. Costs related to construction, rehabilitation of housing, agricultural work, recreational facilities, transport, communications and social care activities amounted to 414 million roubles. The amount of resources allocated by the Russian Federation for the rehabilitation of the Chechen economy and the social sphere in 2001 totalled 14.7 billion roubles.

7. With regard to displaced persons, the Chechen Government had taken various measures to create conditions for the massive and voluntary return of persons who had been forced to leave the Chechen Republic: transport, accommodation, food supplies, humanitarian assistance (from the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP)) and medical assistance, job creation, adoption of a decree on compensation to persons whose property had been damaged in the course of the counter-terrorist operation in the northern Caucasus, organization of summer vacations for children of forced migrants, opening of a social rehabilitation facility and provision of recreational activities for orphans and abandoned children.

8. In conclusion, he said that international humanitarian assistance did not reach Chechnya proper. In that regard, the Russian Federation had stressed on numerous occasions that the reorientation of humanitarian aid to the Chechen Republic from Ingushetia would contribute to the political stability, social and economic rehabilitation and the return of displaced persons. Moreover, the Russian and Chechen authorities guaranteed the safety of the staff of humanitarian organizations that where ready to cooperate with them. It seemed that certain persons were not interested in the stabilization of the situation in Chechnya. He hoped that the Commission's discussions on Chechnya would be objective and would lead to the adoption of a balanced decision conducive to the normalization of the situation.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION
(b) DISAPPEARANCES AND SUMMARY EXECUTIONS
(c) FREEDOM OF EXPRESSION
(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY
(e) RELIGIOUS INTOLERANCE
(f) STATES OF EMERGENCY
(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(Agenda item 11) (*continued*) (E/CN.4/2001/4, 9 and Add.1 and 2, 10, 11, 14 and Add.1, 58, 59 and Corr.1 and Add.1, 60, 61, 63, 64 and Add.1, 65 and Add. 1-3, 66 and Add.1, 67, 68, 69 and Add.1, 116, 137 and Corr.1, 138 and 149; E/CN.4/2001/NGO/2, 16, 23, 31, 47, 49, 50, 52, 64-71, 76, 90-94, 98, 99, 101, 110, 115, 116, 132-135, 137 and Corr.1, 138-145, 150, 159, 167, 168, 181 and 182; A/55/178 and 280 and Add.1 and 2; A/RES/55/89)

9. Ms. ACOSTA (Mexico), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that, in previous years certain countries of the region had been severely affected by the enforced disappearances of thousands of persons, the painful effects of which still could be felt. The fate of many of those persons was not known. In order to prevent such a violation of the most fundamental human rights from recurring, the countries of the region had adopted the Inter-American Convention on Forced Disappearances.

10. Unfortunately, that phenomenon affected all regions of the world, as had been verified by the Commission's Working Group on Enforced or Involuntary Disappearances. GRULAC had always supported initiatives to suppress that practice. It had studied with great interest the draft international convention for the protection of all persons against enforced disappearances that the Subcommission on the Promotion and Protection of Human Rights had transmitted to the Commission through its resolution 1998/25 of 26 August 1998. Since a large number of Governments, specialized agencies, non-governmental organizations and working groups, particularly the Working Group on Enforced or Involuntary Disappearances in its report (E/CN.4/2001/68, annex III), had expressed their opinions on the project, GRULAC, like the Working Group, a number of Governments and non-governmental organizations, considered that the time had come to establish an intersessional working group of the Commission to study the draft convention in the light of the aforementioned opinions with a view to drafting a consensus text. The representatives of the States which would exchange views in that Working Group could take account of the provisions on enforced disappearances contained in the Rome Statute of the International Criminal Court. GRULAC was convinced that the adoption and entry into force of the international convention would be a significant contribution to the protection of all persons against one of the most inhuman violations of human rights.

11. With regard to measures to combat torture and other cruel, inhuman or degrading treatment, GRULAC regretted that it had not been able to provide its views on the report of the Special Rapporteur on that question (E/CN/2001/66 and Add.1 and 2) which, according to the secretariat, had been distributed late owing to its size. Did that mean that the number of cases of torture was growing? If that was so, urgent measures should be taken at the national and international levels to address the situation. In that regard, she regretted that the preparation of a draft optional protocol to the Convention against Torture was at a standstill. In order to break the deadlock, GRULAC proposed a solution based on four fundamental ideas. First, in its decision 1989/104, the Commission requested the Working Group established for that purpose to prepare a draft protocol of a preventive nature precisely because control mechanisms already existed. The proposal therefore incorporated the recommendations formulated by international and regional mechanisms engaged in the suppression of torture, on the establishment of national bodies for preventing that practice. Second, States were primarily responsible for ensuring respect for human rights and preventing practices, such as torture. The international community should

encourage and strengthen the political will to ensure full respect for those rights. Third, in accordance with the principle of complementarity of the norms of international law, international action should be linked to the primary responsibility of States through the international commitments undertaken by States in the field of human rights. Fourth, international cooperation was one of the most effective ways of promoting and protecting human rights. GRULAC therefore requested that the Working Group's mandate should be extended for one year in order to enable it to complete the task with which it had been entrusted.

12. Mr. COUTURIER (Peru) said that Peru was firmly committed to strict respect for human rights and democratic principles, as could be seen from the exemplary and transparent electoral campaign that had preceded the general elections, which would be held in a few days. Armed with that conviction, Peru had again undertaken the task of building a more just and equitable society in which all Peruvians could exercise all their human rights. Such rights were universal, indivisible and interdependent and should be treated in a non-discriminatory and balanced manner.

13. Peru was in favour of the international protection of human rights and had completely normalized its relations with the Inter-American Court of Human Rights and had recently signed the Statute of the International Criminal Court. Moreover, the Government had decided to establish a working group that would include representatives of the State, civil society and churches. The working group would be entrusted with the establishment of a truth commission that would open the way for true national reconciliation. Peru was determined to adhere scrupulously to the international instruments particularly the human rights instruments, to which it was a party. In that regard, it was taking active measures to combat poverty and promote human development, improve the status of women, protect vulnerable groups and foster the authentic development of indigenous populations by respecting their cultural identity. In the same spirit, Peru was cooperating closely with international bodies and mechanisms for the promotion and protection of human rights in order to give effect to the slogan "all human rights for everyone".

14. Peru supported without reservation the establishment of an intersessional working group to prepare a draft international convention against enforced disappearances. It also considered that the mandate of the Working Group to prepare a draft optional protocol to the Convention against Torture should be extended for one year. In that regard, it called on the participants to be flexible so that a compromise could be found as soon as possible.

15. Peru had a long way to go before it would be able to offer all its citizens an economically dignified life. Only cooperation between the Government, civil society and international organizations would enable it to take up that challenge.

16. In conclusion, his delegation wished to pay homage to the non-governmental organizations and international human rights protection mechanisms for the efforts that they had been making for decades to implement the ideals of the Universal Declaration of Human Rights.

17. Mr. CUMARASWAMY (Special Rapporteur on the Independence of Judges and Lawyers), introducing his report (E/CN.4/2001/65 and Add.1-3), thanked all Governments and non-governmental organizations that had maintained a dialogue with him over the past year, particularly the Governments of South Africa, Belarus and the Slovak Republic, where he had carried out missions.

18. The main part of the report (E/CN.4/2001/65) contained information on his activities over the past year and on the situation of the independence of judges and lawyers in some forty countries. In that regard, he encouraged all Governments to supply information on issues of concern encountered by their judiciaries or on progress made in disseminating the United Nations Basic Principles on the Independence

of the Judiciary and on the Role of Lawyers. Governments should also encourage their judiciaries and the legal profession to develop closer relations with the Special Rapporteur.

19. The overall situation of lawyers had not improved. Many lawyers had been harassed and had even received death threats. Lawyers played a critical role in protecting the rights of the accused and should not be identified with their clients or their clients' causes or persecuted for the legal defence of human rights. An independent, self-governing legal profession was an essential requirement for ensuring compliance with the rule of law. In that regard, he was pleased that Egyptian lawyers had been able to elect, in February 2001, their representatives to the Egyptian Bar Association. He hoped that the newly established Bar Council would uphold the independence of members of the legal profession.

20. In Northern Ireland, lawyers continued to be harassed and intimidated. He had reiterated his call for an independent judicial inquiry into the murders of Patrick Finucane and Rosemary Nelson. He did not rule out the possibility that State security services were involved in those murders. Mr. John Reid, the Secretary of State for Northern Ireland, had assured him that the possibility of an independent judicial inquiry had not been ruled out, at least in the case of the Patrick Finucane murder. He said that he had an ongoing dialogue with the John Stevens investigation team on the murder of Patrick Finucane, and the Colin Port team on the murder of Rosemary Nelson.

21. In Zimbabwe, the Government's refusal to provide protection for judges who had been threatened or harassed posed a serious threat to the independence of the judiciary and led him to question the Government's commitment to putting an end to such practices. The Government of Zimbabwe had also ignored some decisions of the highest courts. However, following an agreement concluded on 2 March 2001 between the Chief Justice and the Government, threats against judges seemed to have eased. He was waiting for the Government to indicate when he could carry out a mission to Zimbabwe. During his visit to South Africa in May 2000 (E/CN.4/2001/65/Add.2), he had considered the following issues: the independence of magistrates, unification of the judiciary, integration of the legal profession and the establishment of a mechanism to evaluate complaints against judges. In his opinion, such a mechanism should be composed entirely of members of the judiciary in order to eliminate the possibility that the mechanism could be used to intimidate or harass judges.

22. With regard to Guatemala, he called on the Commission to condemn the brutal lynching of judge Alvaro Hugo Martínez Pérez on 13 March 2001. Such acts were contrary to the principle of the rule of law, which was the very foundation of a civilized society. With respect to Pakistan, he had recently received disturbing information alleging that the judge who in 1999 had presided over the trial of the former Prime Minister, Mrs. Benazir Bhutto, had been pressured into returning a conviction and a sentence of five years' imprisonment. He had expressed his concerns to the Government of Pakistan. He believed that any accused person, whoever he or she was and whatever the offence he or she had been charged with, had the right to a fair trial by an independent and impartial tribunal. That was a basic tenet of international law.

23. He was continuing to consider methods of strengthening the integrity and accountability of the judiciary. He had participated in two meetings of the Judicial Group on Strengthening Judicial Integrity that had been held, respectively, in Vienna in April 2000 and in Bangalore, India, in February 2001. At the meeting in Bangalore, a draft judicial code of ethics had been formulated.

24. In June 2000, he had conducted a mission to Belarus, and he wished to thank the Government for its cooperation. The independence of Belarusian judges and lawyers with respect to the executive was not fully ensured. In order to address that situation, he had recommended that the controversial 1996 Constitution, which gave excessive powers to the President, should be amended. He had also called for the establishment of an independent judicial body, composed mainly of judges, that would appoint, discipline and remove judges.

25. In November 2000, he had conducted a mission to the Slovak Republic, where the Government had attempted to remove the President of the Supreme Court on the grounds that he no longer had the moral authority to be President of that body. The Government had also justified its proposal by stating that he would not be stripped of his position as a judge but only of his position as President of the Supreme Court. In his report, the Special Rapporteur explained why the Government's arguments that the position of President of the Supreme Court was different from that of a judge and that the constitutional conditions for the removal of a judge were therefore not applicable, were completely groundless. The Government's claim that a judge who served as President of the Supreme Court was part of the executive arm of the Government conflicted with the very essence of an independent judiciary as provided for in article 141 of the Constitution of the Slovak Republic. That would mean that the President of the Supreme Court was a functionary of the executive. Moreover, security of tenure, which was a core value of judicial independence, would be violated if the President could be removed by a simple decision of the executive or Parliament before his five-year mandate expired. In that regard, the Special Rapporteur had been pleased to note that, on 19 December 2000, Parliament had rejected the Government's petition to remove the President of the Supreme Court.

26. In general, the principle according to which judges must be completely independent in their decision-making should be upheld. A judge who was considered to be part of the executive when exercising administrative functions could not be considered to be independent when exercising judicial functions. The executive nature of administrative functions could not be used as an excuse by Governments to exercise control over the judiciary.

27. In that context, he was concerned at the proposed amendments to the 1991 Act on Courts and Judges currently before the Parliament of the Czech Republic. If the Parliament approved those amendments, the Minister of Justice would be vested with considerable power over the judiciary. The Special Rapporteur had written to the Government in order to express his concerns.

28. He would conduct a mission to Mexico in May 2001 and a mission to Saudi Arabia in October 2001. At the request of all concerned, he would travel to Guatemala to evaluate the extent to which his recommendations had been implemented. That mission would take place immediately prior to his mission to Mexico.

29. Mr. MALAVICH (Observer for Belarus) said that Belarus had not hesitated to cooperate with the Special Rapporteur. It had provided him with all the necessary information and had arranged a whole series of meetings with representatives of the judiciary, non-governmental organizations, political circles and the press. While the Special Rapporteur had certainly accomplished a great deal of work, his bias in reporting the facts and his formulation of conclusions based on information provided by malcontents, his reluctance to accept the Government's assistance and his failure to consider some data, had not contributed to the objectivity of his report. His delegation therefore rejected the claim that human rights were not respected in Belarus. The Special Rapporteur had not considered the measures that had been taken, and his allegation that "the consolidation of power in the office of the President has also corresponded with a marked decline in respect for human rights" (A/CN.4/2001/65/Add.1, para. 15), did not seem justified. In paragraph 18 of his report, the Special Rapporteur noted that several States had not recognized the results of the 1996 referendum in Belarus. Only a few States out of the 189 States Members of the United Nations had officially expressed their position. Moreover, Belarus was a member of the Interparliamentary Union.

30. The report contained unverified information. The information contained in paragraph 41, in which the Special Rapporteur claimed that the President of Belarus had threatened the Chairman of the Constitutional Court, who had overturned a presidential decree, and that the other judges had maintained their support for Chairman of the Court, was based on statements made by a person who had not been appointed member of the Constitutional Court at the time of the January 1997 reforms. The Special

Rapporteur had not taken advantage of the opportunities, offered by the Government, to meet with official representatives. He had not taken sufficient account of the Government's arguments or of the fact that there was an organization that regulated the activities of lawyers. The Special Rapporteur had ignored other information on the situation of the lawyers mentioned by name. He had not used the information that he had received, nor had he requested additional information. Thus, there was reason to question the validity of the statements in the report concerning cases being examined by the lawyers in question. The same was true of the information contained in paragraph 88 of the report, in which the Special Rapporteur indicated that he had learned that threats had been made to notaries and their families in order to force them to sign a declaration by which they voluntarily undertook to repay the fees paid to them. The Special Rapporteur had not sought to gather more precise information on the subject even though he had had the opportunity to do so.

31. The biased treatment of facts would not facilitate cooperation among interested countries and United Nations mechanisms. Although the report referred to the referendum and the October 2000 elections and to the boycott organized by political parties, it said nothing about the judicial system or the entry into force of the Criminal Code and the Code of Criminal Procedure or of the adoption, in accordance with European standards, of rules relating to the rights and duties of judges, lawyers and procurators. Moreover, the claim that Belarusian legislation was not in conformity with the international obligations of Belarus was unfounded. Belarus was a new democracy and its legislation was currently being reformed. Laws were gradually being brought into conformity with international standards, which reflected a positive process that should be taken into account above all. It should be noted--and the Special Rapporteur had acknowledged the fact—that Belarus had ratified six United Nations human rights instruments, as well as the Optional Protocol to the International Covenant on Civil and Political Rights.

32. It should not be forgotten that the Special Rapporteur's visit had been the first fact-finding mission to be conducted in a country of the former Soviet Union. The judicial system that had still existed 10 years earlier had differed radically from the standards that had recently been adopted. The reform and restructuring of political and economic structures was an arduous task. Nevertheless, the basic goals of the reform of the Belarusian judicial system was to guarantee the independence of judicial bodies, humanize their work and ensure that they acted in the interest not of a minority but of society as a whole. Considerable progress had been made in achieving those goals.

33. In conclusion, his delegation wished to thank the Special Rapporteur for his work and hoped that the situation in Belarus would be examined in a way that took account not only of the views of non-governmental organizations but also those of official government representatives.

34. Mr. PETÖCZ (Observer for Slovakia) said that Slovakia was a traditional co-sponsor of the draft resolution on the independence of judges and lawyers, and it fully supported the mandate of the Special Rapporteur on that question, Mr. Cumaraswamy. The Government of Slovakia had begun a constructive dialogue with the Special Rapporteur during his visit to Slovakia and had remained in contact with him. The Government was prepared to enter into a dialogue with any other rapporteurs if they so wished.

35. Another representative of his delegation would take the floor to present its comments on the report of the Special Rapporteur.

36. Mr. LIPŠIC (Observer for Slovakia) said that the Government of Slovakia attached high priority to the independence of the judiciary, which was one of the basic principles of the rule of law. In 2000, the Slovak Parliament had adopted the Act on Judges, which strengthened the autonomy of the judiciary vis-à-vis the Ministry of Justice. The constitutional amendment establishing the Judicial Council of the Slovak Republic had been adopted by the Parliament in February 2000 and would enter into force in July 2001. The Council would be headed by the President of the Supreme Court and composed of eight judges elected and removed by the judiciary, three members elected and removed by the Parliament, three

members appointed and removed by the President of the Republic, and three members appointed and removed by the Government. The Judicial Council was entitled to make proposals to the President of the Republic concerning the appointment or removal of magistrates and the assignment and transfer of judges, and the appointment or removal of the President and Vice-President of the Supreme Court. It also had the power to elect and remove members of the disciplinary panel. Its other powers would be regulated by an act on the Judicial Council, which was in preparation and would enter into force on 1 July 2001. Article 145 of the Constitution authorized the President to appoint for an unlimited period and remove judges at the proposal of the Judicial Council. Other acts on the implementation of the new constitutional provisions on members of the judiciary were also being prepared.

37. The Government of Slovakia, which had questioned the professional competence of the President of the Supreme Court, Mr. Harabin, had submitted a motion to the Parliament to remove him and replace him with a judge who had the support of his peers. While it appreciated the importance of the Special Rapporteur's mission to the Slovak Republic, his delegation wished to point out that Mr. Harabin did not have majority support in the Parliament: that was a clear and proven fact. Second, contrary to what the Special Rapporteur stated in paragraph 54 of his conclusions, the Government had grounds for saying that the position of a judge and the position of President of the Supreme Court were distinct positions, since that distinction was made by the Slovak Constitution and Slovak law. Therefore, the Government's proposal to remove Mr. Harabin from his position as President—but not from his position as judge—could not be considered to be a violation of the principle of judicial independence.

38. The Special Rapporteur considered it inconceivable that a president of the Supreme Court could be removed from his position "on mere allegations by the Government without those allegations being proved before a competent tribunal". The competent body in that area was the Parliament, before which Mr. Harabin had had ample opportunity to plead his cause. Moreover, the Special Rapporteur was mistaken in saying that the "haste" with which the Government had sought to remove Mr. Harabin shortly before the entry into force of a constitutional amendment had led to the perception that the attempt was politically motivated. The draft amendment that had been debated in the Parliament during the Special Rapporteur's visit contained a provision removing the President and Vice-President of the Supreme Court. It was difficult to understand what the political motivation could have been since, after the adoption of the amendment, Mr. Harabin could have been removed anyway. It should be pointed out that the National Board of the Association of Slovak Judges, as well as the eight elected members of the Judicial Council of the Supreme Court, had officially supported the Government's motion to recall Mr. Harabin. That motion had nevertheless been rejected by the Parliament.

39. Later developments had confirmed that the principle of judicial independence had been invoked only to enable Mr. Harabin to satisfy his personal ambitions. On 30 March 2001, the eight elected members of the Judicial Council of the Supreme Court had signed an open letter to Mr. Harabin accusing him of not respecting the will of the judges of the Supreme Court by issuing an order for the purpose of electing the presidents of the Supreme Court's four chambers. The National Board of the Association of Slovak Judges had sharply criticized Mr. Harabin for creating obstacles for Supreme Court judges in the Association. Thus, the moral authority of Mr. Harabin was seriously weakened, which confirmed the Government's position on the matter.

40. Mr. TOSEVSKI (Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances), introducing the report of the Working Group (E/CN.4/2001/68), said that, since its establishment in 1980, the Working Group had transmitted over 49,500 cases of alleged disappearances to 76 Governments. Of those cases, only 3,500 had been clarified, which was not very encouraging. In 2000, the Group had transmitted 487 new cases of disappearance to 29 countries; 95 of those cases had been transmitted under the procedure of urgent action appeals. There were 73 countries with outstanding cases of enforced or involuntary disappearances.

41. It was crucial that those countries should make every effort to determine what had happened to the disappeared persons, particularly by developing forensic medicine programmes and organizing the exhumation and identification of mortal remains from mass graves and other places where victims of enforced disappearance could have been clandestinely buried. Other mechanisms should also be explored, such as the acknowledgement of the responsibility of the State and the award of appropriate compensation to the victims and/or their families—not only compensation but also medical, psychological and legal support, social rehabilitation, and restoration of personal liberty, employment and property. In that regard, the Working Group commended the efforts of the Government of Sri Lanka to clarify outstanding cases: in 2000, the Government had provided information on more than 6,000 cases, most of them with legal certificates of presumption of death and indications of compensation given to the families of the victims.

42. He emphasized that impunity continued to be one of the main causes of enforced disappearances and one of the main obstacles to the clarification of cases, and that the full implementation of the 1992 Declaration on the Protection of All Persons from Enforced Disappearances was crucial for the prevention and termination of that very serious human rights violation. The Working Group hoped that the Commission would speed up the process of drafting an international convention on the protection of all persons from enforced disappearances, and welcomed the idea to establish an intersessional working group to consider the draft convention.

43. He thanked the outgoing members of the Working Group who had been or would soon be replaced for their contributions. He also thanked non-governmental organizations for their cooperation and support, and called on all Governments to guarantee the protection of those organizations and their members who, in some countries were suffering harassment and even persecution. Finally, he emphasized that, in order to ensure the effective fulfilment of its mandate, the Working Group urgently required resources, in particular additional staff.

44. Sir Nigel RODLEY (Special Rapporteur on Torture), introducing his report (E/CN.4/2001/66 and Add.1), said that, since 2001 was the year of the World Conference against Racism, he had addressed the question of racism and related intolerance, since he had often received information indicating that members of racial or ethnic groups were, more frequently than others, victims of torture and other forms of ill-treatment. Ethnic difference could often contribute to the process of the dehumanization of the victim, which was a necessary condition for torture.

45. As indicated in chapter I of the report, no mandate-related issues had arisen during the year under review. Continuing efforts had been made to work cooperatively with other Commission mandates in order to avoid duplication of activities. As he indicated in chapter II, which described the activities undertaken in 2000, he had been requested by the General Assembly to submit an interim report to its fifty-fifth session on overall trends and developments with regard to his mandate. In November 2000, he had submitted a report (A/54/290) to the Third Committee. He had also attended the session of the Commission's Open-ended Working Group on the draft protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He had carried out two missions in the period under review, one to Azerbaijan in May 2000 and the other to Brazil in August and September 2000. He summarized the steps that he had taken to encourage various countries, including Uzbekistan, the Russian Federation, the People's Republic of China and the Kingdom of Nepal, to invite him to visit them. His requests to visit India, Indonesia, Egypt, Algeria, Bahrain and Tunisia had still not resulted in invitations to visit those countries.

46. He informed the Commission that, since he had indicated in a letter dated 14 March 2000 to the Chairperson of the fifty-sixth session of the Commission that he had not received information indicating the existence of a significant incidence of torture in the occupied Palestinian territories, he had concluded that there was no basis for undertaking a fact-finding mission in that region, as the Commission had requested in its resolution S-5/1 adopted at its fifth special session, which was devoted to the

consideration of violations of the human rights of the Palestinian people by Israel. He noted that the Working Group on Enforced or Involuntary Disappearances had adopted the same approach and that the issue did not seem to have elicited the attention of the commission of inquiry established pursuant to Commission resolution S-5/1 at the time of its visit in the territories. Nevertheless, in the light of more recent information that he had received, he intended to request the Government of Israel to invite him to visit the territories to investigate the situation.

47. Chapter III contained summaries and the urgent appeals that he had sent to the Governments of 98 countries and the replies received up to 15 December 2000. It also included his observations on the practice of torture in 43 countries, which were based on information received on the subject. The fact that there was no such observation in respect of a particular country did not necessarily mean that there was no problem in that country. A summary of the observations of the Government of Cameroon following his mission to that country was contained in paragraphs 220 to 230 of the report. Since the completion of the report, he had received replies from a number of States to allegations contained in the report.

48. In his conclusions and recommendations, he had briefly taken stock of the situation in respect of the problem of torture and cruel, inhuman or degrading treatment or punishment. The increase in the number of allegations in that regard did not necessarily mean that the phenomenon was increasing. It was, however, clear that no area of the world could claim to be free of torture; on the contrary, in some areas, torture was practised intensively. He was encouraged by the growing recognition that impunity was the main cause for the continuance of the practice of torture and that measures were beginning to be taken at the national and international levels to counter impunity. He urged all States to ratify the Statute of the International Criminal Court and, at the same time, to ensure that their national courts also had jurisdiction over genocide, crimes against humanity and war crimes. In order to counter impunity, all opportunities to commit an unpunished crime, such as incommunicado detention, must be eliminated. That was why he advocated, for the purposes of establishing State responsibility, a reversal of the burden of proof in relation to allegations of torture in cases of prolonged incommunicado detention. That was also why he had consistently recommended external supervision of all places of detention by independent officials, such as judges, prosecutors, ombudsmen and national human rights commissions, as well as civil society. There needed to be a radical transformation of assumptions about the nature of deprivation of liberty, and prisons and police stations should be generally made open and not closed and secret places.

49. He referred to his visit to Azerbaijan, which was described in document E/CN.4/2001/66/Add.1. He noted that torture was believed by many detainees to be automatic, and the mere threat of adverse consequences for failure to comply with investigators was assumed to mean torture. For some, the simple fact of detention had the same implication. While he had not had the time to corroborate whether those fears were well-founded, it was clear that the investigating authorities did nothing to dispel them. He pointed out that the fear of physical torture could itself constitute mental torture. On the basis of the information he had received during his visit, he had concluded that torture was widespread, and he had made various recommendations in paragraph 120 of his report. Considering the palpable fear that he had observed in persons detained at the remand centre of the Ministry of National Security, he recommended that the Government should give urgent consideration to discontinuing the use of that centre, preferably for all purposes, or at least reducing its status to that of a temporary detention facility.

50. All the information that he had gathered and all the results of the inquiries that he had conducted led him to believe that his mandate remained useful and that the Commission should renew it.

51. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the secretariat should explain why the Special Rapporteur on Torture was able to submit a 300-page report while all other rapporteurs and special representatives had to adhere to the 32-page rule established by the General Assembly.

52. His delegation was surprised that the Special Rapporteur had not deemed it appropriate to accede to the Commission's request that he ask Israel for an invitation to visit the occupied Palestinian territories, on the pretext that he had not received any reports of torture. Only now, six months later, had the Special Rapporteur decided to seek permission to visit the territories. However, it was up to him to decide. The Commission had given him a mandate and he should have taken immediate action. His delegation believed that the Special Rapporteur's attitude undermined the credibility of special procedures. It was a serious matter, which could pose an obstacle to consensus on the draft resolution that would be submitted on the question.

53. Ms. IZE-CHARRIN (Secretary of the Commission), replying to the question asked by the representative of Cuba, said that, according to paragraph 3 of document E/CN.4/2001/CRP.2, certain documents prepared for the session—documents that were too long or submitted too late—could not be issued in all the official languages owing to the limited resources of the Division of Conference Services of the United Nations Office at Geneva. She also referred to paragraphs 4 and 5 of the same document, which explained the position of the secretariat of the Commission, which was doing its best to meet all requests in the area of documentation and to ensure that equal treatment was given to documents arising from all the mandates given by deliberating bodies. Owing to its length, the report of the Special Rapporteur on Torture had not been translated into all languages.

54. Mr. DEMBRI (Algeria) said that his delegation did not understand why the Special Rapporteur on Torture had not fulfilled the mandate with which the Commission at its fifth special session had formally entrusted him. His delegation did not approve of the content or the tone of the letter dealing with that matter that the Special Rapporteur had sent to the President of the fifty-sixth session of the Commission. The Special Rapporteur on Torture had somehow arrogated to himself discretionary power; that was not appropriate. His delegation therefore requested the Special Rapporteur to provide a more credible explanation for his failure to comply with the Commission's request.

55. The CHAIRPERSON said that the Special Rapporteur could reply to the question in his final comments, after the Commission had completed its consideration of his report.

56. Mr. MUSAYEV (Observer for Azerbaijan) said that, in recent years, Azerbaijan had undertaken sweeping reforms, including reforms of its judicial and penitentiary systems, with a view to establishing the rule of law and ensuring the protection of human rights and fundamental freedoms. The Government of Azerbaijan was endeavouring to cooperate fully with all international institutions, particularly United Nations agencies, and with non-governmental organizations.

57. In November 1999, after its consideration of the initial report of Azerbaijan (CAT/C/37/Add.3) concerning measures taken to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee against Torture had noted with satisfaction Azerbaijan's ongoing efforts to establish a legal framework to safeguard human rights. The President of the Republic had established a working group, composed of representatives of his administration, members of the Ministry of Foreign Affairs and the Ministry of Defence, law-enforcement officials and representatives of the Supreme Court of the Republic, to undertake a careful examination of the recommendations of the Committee against Torture and investigate all allegations of violations. The Supreme Court had devoted one of its plenary sessions to the consideration of legal practice in the field of ensuring and observing human rights and fundamental freedoms, and had adopted a resolution that reflected the recommendations of the Committee against Torture and of Amnesty International. As part of the reform of the penitentiary system, it had been decided to ensure the transparency of places of detention. In that regard, an agreement had been signed between the Government of Azerbaijan and the International Committee of the Red Cross (ICRC) in order to grant ICRC access to all detention centres.

58. The Government of Azerbaijan was interested in cooperating with the thematic mechanisms of the Commission on Human Rights and had therefore invited the Special Rapporteur on Torture, Sir Nigel Rodley, to undertake a fact-finding mission to Azerbaijan. The Government was currently undertaking all the necessary measures to implement the recommendations contained in the report of the Special Rapporteur (E/CN.4/2001/66/Add.1). The Working Group established by the President of the Republic had carefully examined the report in question, including the individual cases mentioned in the report, and had noted that the Special Rapporteur's mission had coincided with the process of judicial and legal reforms in Azerbaijan. That was why some measures taken by the Government after the Special Rapporteur's visit had not been reflected in the report. In particular, the new Criminal Code and Code of Criminal Procedure had been adopted after the mission. The Special Rapporteur had not been able to reflect all the relevant provisions of those codes in his report; in some instances, some of those provisions had even been reflected incorrectly. The Working Group had also examined all the cases referred to in the report and had concluded that the majority of the allegations had not been confirmed. The Working Group was prepared to provide the Special Rapporteur with any additional information and documentation on cases mentioned in the report. The conclusions of the Working Group, which had been received after the report of the Special Rapporteur had been issued, would be submitted for inclusion in the Special Rapporteur's report to the Commission at its fifty-eighth session.

59. Ms. CARVALHO (Mexico) said that torture, enforced disappearances, extrajudicial executions, lack of freedom of expression, arbitrary detention and, in general, insufficient protection of human rights were some of the reasons that had led the Government of Mexico to establish a democracy based on respect for human rights. The promotion and protection of human rights and the incorporation of those rights into legislation were the main objectives of the State reform process. The Government was currently making efforts to establish structures and programmes that would facilitate human rights protection with the active participation of civil society. Civil society should take part in the preparation of a new national programme for promoting human rights, which would stipulate all the measures to be taken to solve Mexico's major problems in that area. The goal was to strengthen legislation on the protection of human rights, establish a culture of human rights in order to prevent violations, and establish effective mechanisms for punishing those who violated human rights.

60. Mexico intended to bring its legislation into line with international standards, since its current legislation did not enable it to follow up the recommendations formulated by international human rights mechanisms. The Office of the Special Ambassador for Human Rights and Democracy, which had been established by the President of the Republic, was responsible for coordinating the necessary measures to enable Mexico to comply with its international obligations and follow up the recommendations of those mechanisms and the recommendations of treaty bodies. Mexico was determined to strengthen its cooperation with international human rights protection mechanisms, which was demonstrated by the technical cooperation programme that it had concluded with the Office of the United Nations High Commissioner for Human Rights and by the standing invitation that its Minister for Foreign Affairs had extended to officials of those mechanisms. Thus, in 2001, Mexico would receive the Special Rapporteur on the Independence of Judges and Lawyers (May 2001), the Special Rapporteur on Violence against Women and the Special Rapporteur on Human Rights of Migrants. Mexico would closely examine the recommendations made by the special rapporteurs that it hosted, as well as those of the committees that had examined its periodic reports. It would consider better ways of implementing those recommendations with a view to improving the human rights situation.

61. The Government of Mexico recognized the contributions made by the non-governmental organizations that had continually drawn attention to human rights problems, and hoped that it would be able to count on their support in its efforts to ensure the full exercise of those rights.

62. The international community should promote democracy and respect for human rights. While the work of the Commission in that area was particularly important, it was necessary to strengthen the thematic mechanisms and promote the universal ratification of the international human rights instruments.

63. Enforced disappearances were one of the most serious human rights violations and, in order to combat such violations more effectively, an international legal instrument should be adopted that would make that odious practice a crime against humanity. The Commission's establishment of a working group on the subject would be a major step forward.

64. The drafting of an optional protocol to the Convention against Torture was also without a doubt one of the major challenges to be taken up by the international community. Mexico supported the action that had been taken to establish a mechanism to prevent and suppress human rights violations in detention centres. In cooperation with the Group of Latin American and Caribbean States, Mexico had supported the efforts of the Chairperson of the Working Group to draft the best protocol possible, which could provide guidelines for governments which, like the Government of Mexico, were prepared to adopt urgent measures to improve the human rights situation in detention centres.

65. Mexico was characterized by diversity and plurality. All Mexicans were determined to ensure the success of the complex task of promoting and protecting human rights, and they counted on the international community to assist them in their efforts.

66. *Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Vice-Chairperson, took the Chair.*

67. Mr. Eui-yong CHUNG (Republic of Korea) commended the special mechanisms of the Commission on Human Rights—special rapporteurs, special representatives, independent experts and working groups—which, notwithstanding financial difficulties and shortages of staff, had made considerable contributions to the advancement of human rights. In spite of their tireless efforts, the current situation remained grim, and flagrant violations of human rights, such as enforced disappearances, arbitrary detention and torture, continued to be committed in many parts of the world.

68. The Commission's special mechanisms could not act alone. In order to succeed, they must be able to count on the full cooperation of Governments, which was not always forthcoming. Thus, of the 49,500 cases that the Working Group on Enforced or Involuntary Disappearances had transmitted to Governments since its establishment in 1980, some 46,000 cases remained outstanding. The international community should do its utmost to eliminate torture, which was one of the most abhorrent human rights violations. His delegation called on all countries to ratify the Convention against Torture, and it hoped that the Working Group on a draft optional protocol to the Convention would complete its work as soon as possible so that an effective system to prevent torture could be established. The rehabilitation and compensation of victims was of crucial importance. That was why the Republic of Korea would continue to contribute to the United Nations Voluntary Fund for Victims of Torture.

69. In order to prevent human rights violations, it was essential to eradicate impunity. While States were responsible for prosecuting human rights violators, the international community should also make it clear that such violators would not go unpunished. In that regard, the Republic of Korea welcomed the adoption of the Rome Statute of the International Criminal Court, which it was preparing to ratify. His delegation hoped that the Statute would enter into force as soon as possible. The convictions for crimes against humanity recently handed down by the International Criminal Tribunal for the Former Yugoslavia were an important milestone in eradicating impunity. Groups, individuals and non-governmental organizations played a crucial role in the protection of human rights, for example when they brought human rights violations perpetrated in the dark corners of the world into the public spotlight. His delegation welcomed the appointment of the Special Representative on the situation of human rights defenders and hoped that

human rights defenders, whose physical security was often threatened in their work, would be better protected.

70. Since it had come to power in 1998, the Government of Kim Dae-jung had made the promotion of human rights a cornerstone of its domestic and foreign policy. It had made the eradication of human rights violations, such as harsh treatment, one of its priorities. The forthcoming establishment of an independent national human rights commission would help to strengthen the mechanism for protecting human rights in the Republic of Korea. Because the Republic of Korea was convinced that democracy was the only road to economic development and social justice, it had decided to host the Second International Conference of the Community of Democracies in Seoul in October 2002. It hoped that the Conference would be a step towards the full realization of human rights for all people.

71. Mr. BOOETTNER (Observer for Paraguay), speaking on behalf of the countries members of the Common Market of the South (MERCOSUR) and the associated countries Bolivia and Chile, said that 2001 marked the tenth anniversary of the signing by Argentina, Brazil, Paraguay and Uruguay of the Treaty of Asunción, which had established the Common Market of the South. Bolivia and Chile, as associated States, participated on an equal footing with the States members of MERCOSUR in the political coordination mechanism, known as the Political Consultation and Coordination Forum. The countries members of MERCOSUR and the associated countries shared a community of interests, which was based on the defence of democracy, the only political system that ensured respect for human rights and fundamental freedoms, particularly economic, social and cultural rights within the framework of development. The Political Consultation and Coordination Forum had made it possible to put in place a broad spectrum of instruments for promoting cooperation among the six countries concerned in many areas, such as strengthening democracy in the region, coordination of positions in regional political bodies and in the United Nations, and cooperation among consulates for the better protection of nationals of the six countries.

72. On 24 July 1998, the Presidents of the member and associate countries had signed at Ushuaia, Argentina, a protocol to the Treaty of Asunción, known as the Protocol on Democratic Commitment in MERCOSUR, Bolivia and Chile. That international legal instrument was based on the idea that respect for, and the good governance of, democratic institutions were preconditions for the development of MERCOSUR. The Protocol provided for the establishment of a consultation mechanism and the adoption of measures in the event of the collapse of democratic institutions in one of the six countries; those measures went from the suspension of the right of the State party concerned to participate in the work of the various bodies of MERCOSUR to the revocation of its membership. The Protocol, which would apply automatically to new members was of crucial importance for the development and strengthening of the process of regional integration, the viability and credibility of which depended on the domestic political stability of each of the six States parties.

73. The States members of MERCOSUR and Bolivia and Chile were convinced that, without democracy, regional integration and the full enjoyment of human rights by the inhabitants of the region would be impossible.

74. *Mr. Despouy (Argentina), Chairperson, resumed the Chair.*

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD (Agenda item 9) (*continued*) (E/CN.4/2001/31-36, 37 and Corr.1, 38, 39, 40 and Add.1, 41, 42, 43 and Add.1, 44, 45 and Add.1 and Corr.1, 47 and Add.1 and Corr.1, 48, 107, 119, 122, 124, 127-129, 131, 132, 135, 140, 144, 149 and 150; E/CN.4/2001/34-E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/2001/NGO/8, 13, 29, 51, 75, 81, 85-89, 114, 121-124, 129, 136, 153, 156-158, 176, 180 and 183-186; E/CN.4/Sub.2/2000/3; A/55/269; A/C.3/55/5)

75. Mr. VIEIRA DE MELLO (Special Representative of the Secretary-General to East Timor and Head of the United Nations Transitional Administration in East Timor (UNTAET)) said that the establishment of a culture based on human rights in East Timor was a daunting task. It entailed solving the problems of the past in order to ensure that those responsible for human rights violations were brought to justice, concentrating on the present in order to lay the foundations of a society based on the rule of law, and preparing for the future, which meant organizing the first democratic elections, drafting the new nation's constitution and creating strong institutions that would protect the rights of those most vulnerable in the years to come.

76. In order to achieve the first goal, it had been necessary to establish a judicial system and train judges to try all the perpetrators of current crimes and those accused of human rights violations in the past. A special panel had been established within the Dili District Court to prosecute those responsible for serious crimes committed during the 1999 elections. The Special Panel, which was composed of international and East Timorese judges, prosecutors and lawyers had already issued 20 indictments, most of which were for murders committed after the elections. Three persons had been convicted and were currently serving sentences. Two indictments for crimes against humanity had been issued; the hearing of those cases would begin in May 2001. It should nevertheless be noted that only the actual perpetrators of those crimes had been brought to justice. Those who had planned, organized and directed the campaign of violence remained outside the jurisdiction of East Timor. It was therefore very important that the judicial authorities in Jakarta and those in Dili take concerted action to ensure that those individuals were also brought to justice, whether in Indonesia or East Timor. In that regard, he welcomed the proposal by the Indonesian Parliament to establish an ad hoc tribunal to deal with human rights abuses committed in East Timor in 1999. That initial step would be rapidly followed by a presidential decree. UNTAET was cooperating in the process of investigating those violations within the framework of the Memorandum of Understanding regarding Cooperation in Legal, Judicial and Human Rights-related Matters, which had been signed in April 2000 with the Indonesian Minister of Justice.

77. One important issue that had yet to be solved was the plight of 60,000 to 100,000 East Timorese refugees who were still in West Timor and who, according to some reports, continued to be subjected to intimidation by members of the militia and to be denied many of their fundamental rights and freedoms. They were, moreover, a heavy burden on the people and administration of West Timor and on the central Government in Indonesia. However, no acceptable solution to the problem had yet been found, since security conditions in West Timor were still insufficient to allow a resident international presence. In spite of those obstacles, efforts were continuing to be made to promote the return of those refugees who chose to do so. To that end, representatives of UNTAET, UNHCR, the International Organization for Migration and the Indonesian authorities would soon conduct a visit to refugee camps in West Timor to provide information to the inhabitants concerning the current situation in East Timor in order to counter the misinformation that pervaded the camps. The visit would be an important precursor to the refugee registration process scheduled to begin on 1 May.

78. Working closely with the East Timorese leadership and civil society, UNTAET had formulated a proposal on the creation of a commission for reception, truth and reconciliation, which would have the function of inquiring into the human rights violations committed in East Timor over the past 25 years, and establishing a national mechanism that would help to reintegrate refugees who voluntarily confessed to lesser crimes committed in 1999 and who demonstrated remorse and a desire to achieve reconciliation

with their communities by performing community service work. That mechanism would not apply to those guilty of murder or sexual and other serious crimes.

79. The new nation that was being built in accordance with the second goal should have all the structures inherent to a democratic society, including an accountable government, a fair and impartial judiciary, professional and disciplined police and defence forces and a strong civil society. While a new economy was taking shape, the economic and social situation still left much to be desired. Unemployment remained a problem and had contributed to social unrest. It was therefore necessary to create jobs, particularly for the young. In the area of health care and education, it was necessary to address the problem of a severe shortage of trained personnel, such as teachers and doctors, and it would take several years to solve the problem. With regard to the legal profession, the situation was not ideal owing to inadequate resources and the overburdened judiciary. Efforts had been made to limit the length of pre-trial detention.

80. Of particular concern was the continued existence of security structures operating in parallel with the international civilian police. Those groups had been established during the resistance period and had been revitalized in order to counter potential militia attacks. Those parallel structures should disappear as soon as a sufficient number of East Timorese police completed training at the Dili Police Academy. A dynamic process was taking place in East Timor in preparation for the country's first democratic election, which would be held on 30 August 2001. The elections would be for a constituent assembly that would have the task of drafting a constitution for East Timor. UNTAET had decided to give its full support to non-governmental organizations that had taken the initiative to consult the population about the elements to be included in the constitution. As a complement to that process, and to assist the Constituent Assembly in its work, district commissions would be established to disseminate that information. Moreover, the UNTAET Human Rights Unit had undertaken a human rights education programme, which would be strengthened through a technical assistance agreement that had been signed a few days earlier with the Office of the United Nations High Commissioner for Human Rights. Under that agreement, human rights education would be provided to the police and the judiciary and to East Timorese instructors by international experts in each of the 13 districts. Human rights instruments would be translated into Tetum, the language of East Timor, and widely disseminated. The High Commissioner for Human Rights should also help East Timor to prepare to accede to international human rights instruments after it achieved independence in 2002. The process of registering political parties and electors had commenced, and everything would be done to ensure that the first elections were free, fair and peaceful.

81. East Timor was a new nation, which should come to terms with the fact that its territory was no longer under the control of outside forces. East Timor's greatest asset was that it was blessed with a visionary leadership and a people that, in its resistance to occupation and its dignity in the face of extreme violence, had demonstrated time and again that it wished to live in peace and control its own destiny.

Statement in exercise of the right of reply

82. Mr. DUONG CHI DUNG (Viet Nam) said that the delegation of the United States of America was in no position to talk about human rights violations in another country, particularly in Viet Nam, where the United States had conducted the most barbarous war in modern history during which all the fundamental rights of the Vietnamese people had been trampled and millions of people killed. A large part of the Vietnamese population was still suffering from the consequences of that war.

83. His delegation categorically rejected the unfounded allegations made the previous day by the United States delegation concerning the suppression of freedom of religion in Viet Nam. It wished to point out that Father Tadeus Nguyen Van Ly had been disciplined by the Vietnamese Catholic Church for immoral conduct with four women. He had also been recently involved in inciting violence among different groups of the population and causing public disorder and had violated the law on several occasions. The case

therefore did not involve an ordinary religious follower, not to mention a religious leader, as the United States delegation had described him.

84. With regard to the allegation of harassment of religious groups, his delegation wished to point out that the so-called unofficial Hoa Hao Group was composed of only Le Quang Liem, a former lieutenant-colonel in the South Vietnamese army during the war and who had proclaimed himself the leader of the Hoa Hao Buddhist Church, using violence against the followers of the original founder of that movement, the Venerable Huynh Phu So. The so-called "Unified Buddhist Church" was in fact led by a person who had committed criminal offences more than once and had been implicated in the death of a nun who had been found to be six months pregnant. He himself had confessed to his misdeeds. His delegation possessed certified documents that proved that certain "ethnic" groups had smuggled arms into the central highland of Viet Nam with a view to organizing armed revolts and revitalizing the former armed band of Fulro, on instructions from a certain country.

85. His delegation requested that its statement should be duly reflected in the summary records of the meeting.

The meeting rose at 1 p.m.